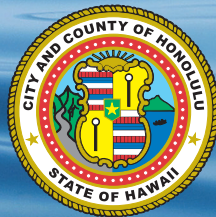




— HONOLULU —
ETHICS COMMISSION
ANNUAL REPORT – FY2021



CITY AND COUNTY OF HONOLULU

MISSION STATEMENT

To ensure that all employees, elected officials, and appointed officers demonstrate the highest standards of ethical conduct so that the public may have trust and confidence in the integrity of government.

"We hold the public's trust."

STAFF

The Honolulu Ethics Commission is supported by a team of professionals, including administrators, attorneys, investigators, and trainers. This team supports all aspects of the Commission's work, including outreach and education, enforcement, and lobbyist programs.

Jan K. Yamane, *Executive Director and Legal Counsel*

Laurie A. Wong-Nowinski, *Assistant Executive Director and Legal Counsel*

Joy S. Neely, *Associate Legal Counsel*

Teri Keli'ipule'ole, *Associate Legal Counsel*

Jill A.K. Yamashiro, *Investigator*

Randy M. Leong, *Investigator*

Training Specialist (*vacant*)

Erin M. Tamashiro, *Administrative Specialist*

Heather Murakami, *Private Secretary*

Alyson N. Wong, *Legal Clerk*

Legal Clerk (*vacant*)

HONOLULU ETHICS COMMISSION

City and County of Honolulu

Kapālama Hale

925 Dillingham Blvd., Ste. 190

Honolulu, HI 96817

P: (808) 768-9242

E: ethics@honolulu.gov

W: <http://honolulu.gov/ethics>

T: @HonEthicsComm

CHAIR’S MESSAGE

Ethics More Important than Ever During the Pandemic



This year has been like no other. Under pandemic restrictions, we pivoted to virtual meetings and work from home. We’ve been busier than ever and increased productivity in our ethics programs.

FY2021 Increases

- Responded to more calls and emails
- Received and investigated more ethics concerns
- Increased our budget
- Hired and trained more staff
- Passed two charter amendments giving us budget autonomy and staffing flexibility
- Deployed our enhanced investigation staff to address the case backlog
- Increased case activities, including prosecution, closure, and investigation

Kealoha Investigations Closed

We closed Louis and Katherine Kealoha-related ethics cases that we held pending for years. Upon completion of the Kealohas’ federal cases, we evaluated our investigations against the federal record. And, after much discussion, we determined to close them for reasons we reported in our open session minutes of February 17, 2021:



“The Ethics Commission’s goal is to achieve justice. After a careful review of the cases on hold pending resolution of U.S. v. Kealoha, the Commission has determined that further investigation of these matters would neither achieve that goal nor be in the public’s interest. The Commission’s records were made available to the federal authorities responsible for prosecuting the Kealohas. Given their convictions, the Commission’s resources are better spent investigating other ethics offenses and addressing the existing case backlog.”

Although this may have been an unsatisfying conclusion for some, the Kealohas are serving sentences in federal penitentiary and owe restitution. We stand by our decision.

Looking Ahead to Another Pandemic Year?

We can't foresee how the pandemic will evolve. This past summer, many of us thought there was light at the end of the tunnel, only to be snapped back into COVID reality by the Delta variant. All we know is that we are living with uncertainty.

Whatever circumstances the pandemic may impose, the Commission and staff will redouble our efforts, husband our resources, and remain vigilant as we promote and enforce the City's standards of conduct. As depicted in our new logo—a compass and the North Star guiding Honolulu's fairy tern, the manu o Kū—we endeavor to guide City and County of Honolulu officers and employees on a clear path of adherence to city ethics laws and validation of the public's trust.



David Monk, Chair



WHO WE ARE

Chartered by the Hawai‘i State Constitution and Revised Charter of the City and County of Honolulu, the Honolulu Ethics Commission is the City and County of Honolulu’s ethics watchdog agency. Established in 1967, the Honolulu Ethics Commission is the oldest ethics board in Hawai‘i.

The Commission has seven commissioners who are appointed by the mayor and confirmed by the city council for five-year staggered terms.

Commissioners (term expiration date; first or second term)

- David B. Monk, Chair (Dec. 31, 2021; first)
- Hon. Victoria S. Marks (Ret.), Vice Chair (Dec. 31, 2024; second)
- Peter S. Adler, PhD. (Dec. 31, 2025, second)
- Hon. Riki May Amano (Ret.) (Dec. 31, 2023; second)
- Shelton G.W. Jim On, Esq. (Dec. 31, 2025; first)
- Lynette Lo Kanda (Dec. 31, 2021; first)
- Hon. Allene R. Suemori (Ret.) (Dec. 31, 2024; second)

WHAT WE DO

The Commission administers the standards of conduct and ensures that the city’s approximately 10,000 elected leaders, appointed officials, and employees understand and follow the highest ethical standards of conduct governing their work for the public. Its main focus is to deter conflicts of interest and the misuse of government resources or positions by city personnel.

The Commission’s Work

- Develop and deliver education programs, including mandatory biennial standards of conduct training and re-training for all city personnel
- Receive and investigate ethics concerns
- Respond to requests for advice
- Develop guidelines explaining the standards of conduct
- Review and maintain financial disclosure statements of certain city officials
- Regulate lobbyists

STATISTICAL INFORMATION – FY2021

Contacts reviewed and answered increased during COVID-19. Contacts reviewed increased from 536 in FY2020 to 860 in FY2021. Contacts answered also increased from 527 in FY2020 to 836 in FY2021. Many requests resulted from the 2020 election, which led to a change of administration and five new councilmembers.

860 Contacts Reviewed
+60% (FY2020 – 536)

836 Contacts Answered
+58% (FY2020 – 527)

**Top 4
Areas of
Inquiry**

- [187] ethics training
- [141] financial disclosures
- [68] misuse of city resources
(benefit or disadvantage of another)
- [57] no jurisdiction

★ **2020 ELECTION** ★

Out-going administrators and councilmembers sought advice on getting a job after leaving city employment and adhering to the one year cooling off period.

In-coming administrators and councilmembers sought advice on conflicts of interest, use of city resources, and gifts.



128 Enforcement filings reviewed

+42% (FY2020 – 90)

Top 4 Areas of Enforcement

- [20] misuse of city position or resource (personal or family benefit)
- [18] benefit or disadvantage of another
- [18] conflicts of interest
- [14] political activity

Enforcement filings reviewed increased. The number of ethics concerns reviewed increased over prior years, from 90 in FY2020 to 128 in FY2021. Confidential investigations were conducted when warranted, with some resulting in corrective action or counseling.

Mandatory biennial ethics training for all city officers and employees completed.

Due to the COVID pandemic, the Commission extended its ethics training biennium from June 30, 2020, to December 31, 2020, to give agencies additional time to complete mandatory ethics training for city officers and employees. For employees unable to take online training, agencies continued to gather employees for in-person sessions while adhering to social distancing requirements by holding more sessions with fewer attendees.

Training Completed

- [602] new officers and employees via New Employee Orientation (NEO) sessions
- [151] City board and commission members
- [6,654] FY2020 officers and employees trained
- [4,972] FY2021 officers and employees trained
- [11,626] FY2020 - FY2021 biennium total



1044 Disclosures reviewed

+29% (FY2020 – 811)

Rate of disclosure filings increased. The number of disclosures reviewed increased this year, primarily due to the change of administration and councilmembers and their staff. Out-going and in-coming elected and appointed officials filed a mix of initial, annual, and leaving office financial disclosures. In FY2021, the Commission reviewed 1044 disclosures (financial, conflict of interest, outside interest, candidate, nomination, other) as compared to 811 in FY2020.

Twitter is the Commission’s primary social media platform. The Commission expanded use of Twitter as its main social media platform and published 446 daily tweets with themed topics, such as #MotivationMonday, #TriviaTuesday, #WednesdayWisdom, #ThrowbackThursday, and #AlohaFriday. By fiscal year-end, the Commission had 330 followers. Old newspaper clippings of Honolulu ethics news in the 1960s and 70s for #ThrowbackThursday were especially popular. #TriviaTuesday and #WednesdayWisdom asked and answered ethics questions, giving followers an opportunity to test their ethics knowledge. Twitter impressions—a total tally of all the times a tweet has been seen—were 133,233, and Twitter engagements—the total number of times a user interacted with a tweet, including retweets, replies, follows, likes, links, cards, among others—were 2,909.



446

daily tweets published

330

followers

2,909

engagements

133,233 Impressions



401 Lobbyist registrations, annual reports, and terminations reviewed

-4% (FY2020 – 419)

Lobbyist registrations decreased slightly. Lobbyist registrations, annual reports, and terminations reviewed (by calendar year) decreased by 4 percent from the prior year. The Commission registered 145 lobbyists representing 95 companies and organizations and disciplined one lobbyist for failing to submit a required annual report.

Informal advice increased, while formal advice remained stable. In FY2021, ethics attorneys provided 320 informal opinions, a 64 percent increase over 195 such opinions in FY2020. The Commission rendered three formal advisory opinions.



Informal advice Ethics attorneys may provide informal advice over the phone and via email or other communication.

Formal advice responds to a written request to the Commission and is delivered in writing as an advisory opinion, which is published on the Commission’s website.

ETHICS COMMISSION ACCOMPLISHMENTS

Two Commission charter amendments on the 2020 ballot were passed by the electorate.

The amendments gave the Commission greater independence and enhanced capability to do its job—to ensure that city officers and employees demonstrate the highest standards of ethical conduct so the public may have trust and confidence in the integrity of government.

Question 3 gave the Commission greater budget flexibility and independence to use funds approved by Council to carry out its ethics duties.

Question 4 enabled the Commission to create the ethics staff positions it needs and set staff salaries, within limits.

Budget increases to expand staff outweighed budget reductions. After four years of budget requests to increase staff and resources, the Commission received additional funding in fiscal years 2020 and 2021 to expand its staff from five full time equivalent staff (FTE) to 11 FTE. Of six new positions funded, five were filled in FY2021; the sixth position was filled in FY2022.

The City and County of Honolulu faced revenue losses amid COVID-19, requiring city government to trim its budget. Travel expenses, contract monies for conflict of interest and complex cases, and salary increases were cut from the Commission’s budget.

+ 6 New Staff

- assistant executive director
- attorney
- investigator
- training specialist
- administrative specialist
- private secretary

Commission adopted new logo. The Commission continued to fulfill its strategic plan by developing its brand. Its newly adopted logo blends powerful images that together describe and inspire the Commission and its work.



- The manu o Kū (white tern) is the official bird of the City and County of Honolulu
- The North Star is a landmark, or sky marker, that helps those who follow it determine direction as it glows brightly to guide and lead toward a purposeful destination
- The compass always points North, a direction symbolizing progress, betterment, and inspiration
- The color represents trust, calm, and responsibility.

ETHICS COMMISSION	FY 2018	FY 2019	FY 2020	FY 2021
Contacts Reviewed (requests for advice, concerns, misc. inquiries)	613	481	536	860
Contacts Answered (requests for advice, concerns, misc. inquiries)	601	458	527	836
Ethics Concerns Reviewed	58	108	90	128
Employees Trained	9,686	843	6,654	4,972
Board, Commission Members Trained	176	0	0	151
Disclosures Reviewed (financial, conflict of interest, outside interest, candidate, nomination, other)	841	878	811	1,044
Ethics Commission Meetings	11	8	8	7
Informal* / Formal Advisory Opinions Issued	1	109 / 5	195 / 1	320 / 3
Lobbyist Registrations, Annual Reports Reviewed**	323	378	419	401

* Staff responses to requests for legal advice

** Calendar year totals

<div> Honolulu Ethics Commission Appropriations Ordinance 20-22 </div>	Salaries	\$ 662,345
	Current Expenses	\$ 93,924
	Total All Funds	\$ 756,269
	Source of Funds	General Fund
	Number of Positions (F.T.E.)	11.00

